

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ROBERT O'HARA,

Petitioner,

v.

CIVIL ACTION NO. 2:10-cv-00236

WARDEN, MOUNT OLIVE CORRECTIONAL COMPLEX,

Respondent.

MEMORANDUM OPINION AND ORDER

Before the Court is Petitioner Robert O'Hara's Letter-Form Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 [Docket 1]. By Standing Order entered August 1, 2006, and filed in this case on March 16, 2010, this action was referred to United States Magistrate Judge Mary E. Stanley for submission of proposed findings and a recommendation (PF&R). Magistrate Judge Stanley filed her PF&R [Docket 4] on May 19, 2010, recommending that this Court dismiss Plaintiff's Petition and remove this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court

to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due on June 7, 2010. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [Docket 4], **DISMISSES** Plaintiff's Petition, and **DISMISSES** this case from the docket without prejudice. A separate Judgment Order will enter this day implementing the rulings contained herein.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 19, 2011



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE